

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LE ROI JOHNSON,

No. C-07-0195 MMC

Plaintiff,

**ORDER DISMISSING WITHOUT
PREJUDICE CLAIMS ASSERTED
AGAINST EL CERRITO DEFENDANTS**

v.

CONTRA COSTA COUNTY,

Defendant.

Before the Court is the complaint filed January 10, 2007 by plaintiff Le Roi Johnson ("Johnson"), asserting civil rights claims arising out of two incidents. First, Johnson asserts civil rights claims against the County of El Cerrito, the City of Richmond Police Department ("RPD"), two RPD officers, and the Honorable Peter Berger ("Richmond defendants"), arising out of an incident on January 11, 2006. Second, Johnson asserts civil rights claims against the El Cerrito Police Department ("ECPD"), three ECPD officers, and Certified Towing ("El Cerrito defendants"), arising out of an entirely separate incident, which occurred on January 13, 2006.

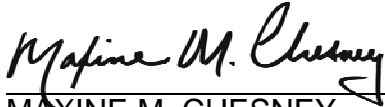
Rule 20(a) of the Federal Rules of Civil Procedure provides that multiple defendants may be joined in a single action "if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action." See Fed. R. Civ. P. 20(a). "Rule 20(a)

1 imposes two specific requirements for the permissive joinder of parties: (1) a right to relief
2 must be asserted by, or against, each plaintiff or defendant relating to or arising out of the
3 same transaction or occurrence or series of transactions or occurrences; and (2) some
4 question of law or fact common to all parties must arise in the action.” See Desert Empire
5 Bank v. Insurance Co. of North America, 623 F.2d 1371, 1375 (9th Cir. 1980).

6 Here, the claims asserted against the El Cerrito defendants do not arise out of the
7 same transaction or occurrence as the claims asserted against the Richmond defendants.
8 Accordingly, plaintiff’s claims against the El Cerrito defendants are hereby DISMISSED for
9 improper joinder, without prejudice to plaintiff’s asserting those claims in a separate action.

10 **IT IS SO ORDERED.**

11 Dated: January 22, 2007

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14 MAXINE M. CHESNEY
15 United States District Judge
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